

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
C.W.H. Broadcasting, Inc.	)	File No. EB-01-OR-133
Licensee of WHNY(AM)	)	NAL/Acct. No. 200232620001
McComb, Mississippi	)	FRN: 0006-3820-48

**MEMORANDUM OPINION AND ORDER**

**Adopted: July 23, 2002**

**Released: July 25, 2002**

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* ("Order"), we grant in part and deny in part C.W.H. Broadcasting, Inc.'s ("C.W.H. Broadcasting") petition for reconsideration of a *Forfeiture Order* that we issued to it,<sup>1</sup> imposing a \$3,500 forfeiture for willful violations of Sections 17.4(a)(2), 17.51(a), and 73.49 of the Commission's Rules ("Rules").<sup>2</sup> The noted violations involved antenna structure related violations. As explained below, we reduce the \$3,500 forfeiture to \$500.

2. Posing no challenge to our finding that it violated the Commission's Rules, C.W.H. Broadcasting, in its petition for reconsideration requests cancellation of the forfeiture. In its request, C.W.H. Broadcasting details a number of proposed repairs to WHNY(AM) that are unrelated to the subject violations and elaborates on other information, some personal in nature, which it first presented in response to the *Notice of Apparent Liability for Forfeiture*.<sup>3</sup> After reviewing the particular circumstances presented in this case, in accord with the discretion provided to us by Section 504(b) of the Communications Act of 1934, as amended,<sup>4</sup> ("Act") and implemented by Section 1.80(i) of the Rules,<sup>5</sup> we conclude that reduction of the \$3,500 forfeiture to \$500 is warranted in this case.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 1.106 of the Rules,<sup>6</sup> C.W.H.

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<sup>1</sup> *C.W.H. Broadcasting, Inc.*, 17 FCC Rcd 4548 (Enf. Bur. 2002) (\$20,000 proposed forfeiture reduced to \$3,500 based on inability to pay).

<sup>2</sup> 47 C.F.R. §§ 17.4(a)(2), 17.51(a), 73.49.

<sup>3</sup> *C.W.H. Broadcasting, Inc.*, NAL/Acct. No. 200232620001 (Enf. Bur., New Orleans Office rel. Oct. 24, 2001).

<sup>4</sup> 47 U.S.C. § 504(b).

<sup>5</sup> 47 C.F.R. § 1.80(i).

<sup>6</sup> 47 C.F.R. § 1.106.

Broadcasting, Inc.'s Petition for Reconsideration **IS GRANTED TO THE EXTENT NOTED HEREIN AND DENIED IN ALL OTHER RESPECTS.**

4. Payment of the \$500 forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*.<sup>7</sup> If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>8</sup> Payment may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note "NAL/Acct. No. 200232620001" and "FRN: 0006-3820-48" referenced above. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>9</sup>

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by certified mail, return receipt requested, to Charles W. Holt, WHNY Radio, P.O. Box 1223, 1114 Highway 570 East, McComb, Mississippi 39648.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau

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<sup>7</sup> 47 C.F.R. § 1.80.

<sup>8</sup> 47 U.S.C. § 504(a).

<sup>9</sup> See 47 C.F.R. § 1.1914.